IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.53189-M OF 2006

DATE OF DECISION: SEPTEMBER 15, 2006

Tirath Singh

....PETITITIONER

VERSUS

State of Punjab ....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S.Ahluwalia, Advocate,
for the petitioner.

...

Petitioner Tirath Singh apprehending his arrest in a non-bailable offence in case FIR No.271 dated 12.8.2006 registered under Sections 420/468/471 IPC at Police Station Nakodar, District Jalandhar, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

2. In this case, the petitioner is the son of Jarnail Singh, the real brother of one Naginder Singh. The aforesaid FIR has been lodged by the daughter of Naginder Singh alleging therein that her father, who is the real brother of Jarnail Singh, is a mentally unsound person and by taking the benefit of the said fact, accused Jarnail Singh in connivance with his sons Ram Singh, Tirath Singh (petitioner herein) and Lambardar Balkar Singh, fraudulently got executed a general power of attorney in his favour from his brother Naginder Singh, and on the basis of the said general power of attorney, he executed a sale deed of 56 kanals 13 marlas of land belonging to Naginder Singh in favour of his two sons Ram Singh and petitioner Tirath Singh. In the said sale deed, it has been shown that the purchaser had paid a sum of Rs.29,40,000/- to the vendor, but no such amount was paid to Naginder Singh at the time of registration or thereafter. In the petition, it has

been stated that the petitioner is the bona fide purchaser and a civil suit filed by the complainant challenging the alleged sale deed is also pending.

3. I have heard the counsel for the petitioner.

4. At the time of hearing, a specific question was asked to the counsel for the petitioner to show the proof of payment of Rs.29,40,000/- made to Naginder Singh towards the sale consideration of the land in dispute because during the inquiry it came to notice that the said amount was never paid to Naginder Singh either at the time of registration of the sale deed or subsequent thereto. Rather, a different stand was taken that some amount was paid earlier to Naginder Singh.

5. Keeping in view the aforesaid allegations and the allegation that the general power of attorney was obtained by Jarnail Singh, father of the petitioner from his real brother, who is alleged to be of unsound mind and on the basis of the same, sold the land to his sons, who apparently cannot be treated as bona fide purchasers, I am not inclined to grant the discretionary relief of anticipatory bail to the petitioner.

6. Dismissed.

September 15, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE